



**BOARD OF HEALTH MEETING MINUTES**  
**Tuesday, December 18, 2018**

**BOARD MEMBERS:**

Larry Church, Commissioner, Payette County  
Nate Marvin, Commissioner, Washington County  
Tom Dale, Commissioner, Canyon County (Excused)  
Kelly Aberasturi, Commissioner, Owyhee County  
Bill Brown, Commissioner, Adams County (Excused)  
Sam Summers, MD, Physician Representative  
Bryan Elliott, Commissioner, Gem County

**STAFF MEMBERS:**

Nikole Zogg  
Doug Doney  
Patty Foster  
Katrina Williams  
Carol Julius  
Brian Crawford

**GUESTS:** Pam Eaton, Meire Feitosa, Raquel Nunez, Mindy Stomner, Senator Abby Lee, Representative Megan Blanksma (by phone)

**MEETING CALLED TO ORDER -- CHAIR**

Chairman Bryan Elliott called the business meeting to order at 10:00 a.m.

**REQUEST FOR ADDITIONAL AGENDA ITEMS**

Chairman Bryan Elliott asked for additional agenda items. No additional agenda items were noted.

**INTRODUCTION OF NEW EMPLOYEES**

Brian Crawford introduced Meire Feitosa. Meire is trilingual in Spanish, Portuguese, and English. She joins SWDH as an Office Specialist.

**SPECIAL REPORT: WOMEN'S HEALTH CHECK**

Mindy Stomner, Registered Nurse, presented an update on Women's Health Check. Mindy explained that Women's Health Check is a service available to low-income women across our district to receive early detection screening for breast and cervical cancer. Mindy works as a navigator; helping women navigate the healthcare system, from screening to treatment. If a woman screens positive and requires procedures or treatment, she is eligible for a special, short-term Medicaid program to receive the cancer care she needs.

Breast cancer is the second leading cause of death of women in Idaho. Program participants need to be between the ages of 21 and 64, uninsured, and a resident of the United States. Last year, 196 women were screened. This current fiscal year, from July until now, 77 women have been seen through the program. Seventeen women needed navigation assistance for procedure and treatment appointments. Since September there has been one cancer diagnosed every month and two pending diagnosis. Breast and cervical

cancer Medicaid will cover their treatments for this particular cancer with follow up treatments for a one-year period.

Women's Health Check is a great service for many of our region's women. Interpreters are available for Spanish speakers and the program reaches many demographics. Cervical cancer is very treatable if diagnosed early. Early detection is essential.

#### **REVIEW AND APPROVAL OF 11/27/18 MINUTES**

Board members reviewed meeting minutes from the meeting held November 27, 2018. Commissioner Aberasturi pointed out that the minutes should not reflect that a motion was made to approve the calendar since the final decision was to request changes be made and the revised meeting notice brought to the December Board of Health meeting for review.

**MOTION:** Commissioner Aberasturi moved to approve the November 27, 2018 minutes with the change requested. Dr. Summers seconded the motion. Motion passed unanimously.

#### **APPROVE PUBLIC HEARING MINUTES OF 11/27/18**

Board members reviewed minutes from the public hearing held November 27, 2018.

**MOTION:** Commissioner Church moved to approve the minutes. Commissioner Marvin seconded the motion. Motion passes unanimously.

#### **REVIEW AND APPROVAL OF PUBLIC MEETING NOTICE**

Board members reviewed the proposed 2019 Board of Health meeting notice.

**MOTION:** Dr. Summers moved to approve the 2019 Board of Health meeting notice as presented. Commissioner Marvin seconded the motion. Motion passes unanimously.

#### **REVENUE AND EXPENDITURE REPORT:**

Patty Foster presented the November 2018 financial report. Patty explained that 41.67% was the target for November. Revenues were at 41.47% and expenditures were at 37.46%. Personnel expenditures are highlighted because November was a 3 pay-period month. As of the end of November \$329,000 more has been spent than we have taken in revenue. Patty is not alarmed about this and does not feel any action needs to be taken at this point to remedy this. She explained that the pieces to this discrepancy in revenue and expenditures will lessen once we receive payment from Idaho Department of Health and Welfare (IDHW) for the \$200,000 crisis center payment. In addition, we are still feeling many of the upfront costs at the beginning of the fiscal year including insurance and government overhead from the controller's office.

Patty highlighted the capital projects section showing \$95,727. We have received the four vehicles we ordered. The remaining is for computer software.

Patty pointed out the contract funds in clinic services. There is a huge jump from October to November. In October the WIC contract was near the end and there was nothing to bill out. Billing was available again in November and this accounts for that jump.

#### **BUDGET ADJUSTMENT REQUEST**

Patty presented a budget adjustment request. This month she will ask for a \$74,000 adjustment representing funds from a Blue Cross grant Nikki applied for and received. Nikki explained that she applied for a Blue Cross of Idaho Foundation (BCI) grant to support our efforts on the crisis center sustainability plan. These funds will be used to assess the region's readiness to improve the coordination of care and services across behavioral and physical health providers and organizations that touch people in crisis (e.g., dispatch, first responders, courts, etc.). The funds will also be used to develop a roadmap, based on the assessments, to improve the coordination of services for those in crisis with an emphasis on

prevention and our rural communities. Some of the funds will be retained at SWDH to administer the work. The majority of the funds will be sub-granted to those who have the expertise to perform the assessments and report the results. Patty requested approval to make a \$75,000 budget adjustment to go into revenue and administration for crisis center and personnel and expenditures in administration.

Board of Health members discussed the possible need for a public hearing regarding continued budget adjustments.

Nikki will ask SWDH legal counsel to review this matter and will report back on the findings back at the January 2019 Board of Health meeting.

**MOTION:** Commissioner Church made a motion to approve spending authority for the \$75,000 grant received from Blue Cross of Idaho Foundation.

Commissioner Marvin seconded the motion. Motion passes unanimously.

#### **AUDIT UPDATE**

Patty reported that the 2015-2016 fiscal year audit has been received from the Legislative Services Office. A preliminary report with their findings was delivered. The report included eight findings and updates that they reported on. The findings were difficult to read and understand within the letter. Patty created a one-page summary document to help explain the findings. She summarized each audit finding and explained the action taken to correct them. Southwest District Health is disputing one of the audit findings.

#### **CANYON COUNTY COMMUNITY HEALTH ACTION TEAM (CHAT) PRESENTATION**

Raquel Nunez presented an update on the Canyon County Community Health Action Team (CHAT). The Caldwell Health Coalition is the first local CHAT in Canyon County and is being facilitated in partnership with the University of Idaho extension office. Fifteen partners from the education, food access, law enforcement and health care sectors are participating. The coalition is actively seeking community member input and youth input. Several Caldwell High School students are participating and providing a younger voice and opinion on what the need is in Caldwell.

Caldwell seemed like a natural place to start because there was already community interest and two recent assessments had been completed – United Way completed the Caldwell Health Conditions Assessment and the University of Idaho Extension Office completed the Caldwell Health Community Survey.

The priority areas identified for the Caldwell area are:

- Access to healthcare
- Addressing mental health
- Housing
- Food access
- Addressing problematic micro neighborhoods
- Inequities with minority populations

The group met in November and their priorities for the group are:

- Establish the structure of the coalition
- Choose a health priority area to begin working on
- Access financial/funding capabilities of coalition
- Recruit missing voices/organizations to the table

### **FOOD FEE DISCUSSION, POLICY REVIEW, AND FEE CHANGE**

Chairman Elliott began the discussion on the food fees, policy review and fee change. Brian Crawford provided an update on the process. Brian explained that the food protection program employees provide services other than inspections including pre-opening inspections, plan reviews, complaint inspections, epidemiologic investigations, and education.

Nikki provided a timeline of the efforts of the food fee workgroup that met for over a year. The group pulled together costs data, looked at other states around the Northwest and their fee setting process, discussed moving forward with a statute change versus a rule change, and discussed where the tax revenues that currently subsidize the food establishments would be spent by the districts.

In February 2018, the workgroup was exploring the process of administrative rule making. The Department of Administration presented a rulemaking workshop at SWDH and staff learned that boards of health have the authority to set fees. The training reiterated that fees could be changed without going through a statute change to add fees as long as other statutes or rules where fees are set are not superseded and that the fee covers the cost of a service specifically.

The rulemaking workshop represented a turning point for the workgroup. At the annual Idaho Association of District Boards of Health (IADBH) meeting in June 2018 the body decided that each board is independent and has the authority to set its own fees. Following the IADBH meeting, SWDH Board of Health sought legal opinions on the statute. The statute does say that the fees are meant to cover the cost of licensing and a portion of the cost to the food protection program. The legal opinion indicated that the Board of Health has the ability to establish fees for services being delivered, but not being charged.

In August 2018, Commissioner Dale and Nikki met with Idaho Department of Health and Welfare (IDHW).

In September 2018, Nikki and Commissioner Dale met with Melinda Merrill from Northwest Grocers Association and asked her for feedback. The feedback she provided at the time was a request for any changes in fees to be phased in. Later, Melinda Merrill sent an email where she asked that we consider including an assurance to protect against random fee increases. In November 2018, the Board of Health established fees for a period of two years and anything over a 5% increase would require industry representative involvement and a public hearing. In October 2018, Commissioner Dale and Nikki Zogg met with Pam Eaton, industry representative, to get her feedback.

A properly noticed public hearing was held before the regularly schedule Board of Health meeting in November 2018.

Commissioner Elliott asked for input from industry representatives. Pam Eaton, President and CEO of the Idaho Retailers Association, provided feedback. She also represents the Idaho Lodging and Restaurant Association. Pam expressed concerns about each individual health district going off on their own and being able to increase fees however and whenever they want. Pam did send an email the morning of the November 2018 public meeting saying that she agreed with Melinda's email except that she had mentioned a memo of understanding limiting increases to fees. Pam pointed out that her members had asked about wanting to see the fees in statute or rulemaking.

Pam expressed appreciation for the process and the workgroup members' willingness to provide information on cost and processes. She feels if the fees have no legislative oversight and there is no spelling out of what health districts truly can and cannot do then that is a concern for the industry right now.

Commissioner Aberasturi responded by saying Pam's concerns are already addressed in statute. By statute, fees cannot just be increased and there is a process that the Board of Health has to follow.

Pam responded by saying that again her point is correct that health districts cannot make money on fees but there is a difference of opinion on how much of the fees should be covered by industry. Her members are feeling concerned about what will happen with the other six health districts.

Commissioner Church explained that the food inspection is a bit of an insurance policy for industry. The industry benefits from food inspections. Members of the Board of Health all represent counties and have food establishments in their counties and they do not want to drive them out of business; however, they also represent individual taxpayers who want the best use of their taxpayer dollars.

Senator Abby Lee explained that she and Representative Megan Blanksma have worked with the health districts on funding issues. She explained that there is some disparity between health districts. There is also some tension on the local flare and flavor of individual health districts and the individual districts being able to represent what is important in their area. Each district is unique and each one can look at their health issues and assign those priorities. She explained that as far as a statewide perspective that is an interesting question as to whether it is okay to have a different cost of business within the different health districts. In different counties there is a different cost of business. For example, the difference of costs of building a home in Fruitland versus building a home in Council.

Board members asked Pam if the time that the fees are fixed is a concern. Commissioner Church expressed concern that the other districts have backed out to see what happens with District 3 before they decide how to move forward.

Commissioner Marvin explained that he has an issue with the county subsidizing the businesses. Taxpayer dollars should not be used to subsidize the restaurants, food stores, or other business that require a food inspection.

Chairman Elliott agrees with other board members in that other districts are allowing District 3 to be the “test case”. The other districts are in pretty much the same position as Southwest District Health and the fees that existed are not paying what it costs. Chairman Elliott explained that what the workgroup came up with what is legal and what is in statute and not only have the right but also the responsibility to set those fees to try to cover the cost of business.

Pam reiterated that her main concern is each individual district’s ability to set fees. Senator Abby Lee commended Pam for the incredible amount of trust and thoughtful solutions she brings and for really caring about raising families in this State.

## **POLICY REVIEW**

Board of Health members discussed the food fee policy. Brian distributed the handout and requested guidance on the implementation and clarification on several of the fees.

Issue #1: Do we charge food establishments already licensed by other districts for services provided?  
Board of Health guidance is to follow staff recommendation, and not charge an establishment if it is licensed in another district.

Issue #2: Do late fees apply only to the inspection or to all services billed?  
Board of Health guidance is that late fees apply to all billable services provided by SWDH.

Issue #3: Should the district have the ability to waive fees for benevolent organizations?  
Board of Health guidance is that any facility that is subject to license fees are also subject to inspection and other secondary service fees.

Issue #4: The Idaho Food Code only requires one regular inspection per year. Should schools be charged for two inspections since the second inspection is required by USDA?

Board of Health guidance is that establishments will be charged for only one regular inspection per year unless additional inspections are required by other regulatory entities, for example USDA required inspections in schools. If there are situations where an establishment is refusing to comply then a compliance conference would be initiated.

Issue #5: The USDA requires schools to obtain a second inspection. Federal funding can be withheld from schools if they do not obtain the second inspection. Should the rate of the second inspection be reduced?

Board of Health guidance is to continue the school inspection rate of \$267.00, which is the actual cost to deliver the service.

### **CRISIS CENTER UPDATE**

Nikki provided a brief update on the crisis center. She explained that the main highlights include an anticipated opening date of April 1, 2019. Changing architects to save significant expense is one reason for this delay. Initially, the architect's estimated fee for developing the plans to modify the building was \$55,000. Due to the excessive fee estimate, members met with the architects and the rates were lowered to \$37,500 but renovations would not be completed and the building cleared for occupancy until June 2019. Other architects were sought. Building owner Dick Anderson took the lead and identified a local architect, Design West, that will provide the work for around \$5,000. This represents significant savings.

The lease has not been signed yet. The SWDH attorney has reviewed and made changes and the lease is now under review by the owner's attorney. Several changes will be requested.

Nikki explained that Optum has committed to giving \$3,000 toward start-up costs. She also discussed The Blue Cross of Idaho Foundation grant of \$75,000 to develop a more integrated system for behavioral health in our region that ties in the crisis center.

### **REGIONAL COLLABORATIVE AND FUNDING REQUEST TO THE LEGISLATURE**

Nikki presented talking points for how to proceed with regional collaborative sustainability. The collaboratives from District 3 and District 4 have been meeting and plan to come together under one single collaborative. The collaborative anticipates requesting funding from the legislature to fund 1.2 FTE.

### **DIRECTOR'S REPORT**

#### **Behavioral Health Board – Partnership for Success**

In November 2018, the Behavioral Health Board (BHB) voted to approve the Partnership for Success grant from the Office of Drug Policy (ODP). The contract from ODP was revised and the BHB Chair has initialed off on those responsibilities. Amber Aberasturi has been hired as the Senior Health Educator to help administer that grant.

#### **SHIP Update**

The SHIP grant ends on January 31, 2019. Of the three SHIP staff, one has relocated to Colorado, one applied for and was selected for an internal position and one will be laid off. The layoff will occur mid-January and the employee who will be impacted is aware.

#### **Citizen Review Panel**

The Citizen Review Panel (CRP) has met three times including an initial meeting, a training, and one meeting to begin the case reviews. Senator Lee thanked Doug for serving on the committee and thanked Nikki for her leadership and bringing the health districts together. Senator Lee explained that counties have most of the cost of these really expensive foster care child cases. Senator Lee has championed this effort, but is willing to take a step back and allow people to come to the table and identify the best way to move forward. She expects that implementation will be worked through. She believes we can look at other states

and other good models of how systems similar to the CRP have reduced time in foster care and improved outcomes for kids.

### **EXECUTIVE SESSION**

At 1:06 p.m. Chairman Elliott made a motion to go into executive session. The motion was seconded by Commissioner Church. Roll call taken.

No decision was made.

Motion to go out of executive session: not recorded

There being no further business, the meeting adjourned at 1:35 p.m.

Respectfully submitted:



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Nikole Zogg  
Secretary to the Board

Approved as written:



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Bryan Elliott  
Chairman

1/29/19

Date